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MONSANTO INDUSTRIAL CHEMICALS CO.

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Phone: (314) 622-1400

October 22, 1985

Ms. Faye Sandberg
US EPA - Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Dear Ms. Sandberg:

We are in receipt of the October 10, 1985 letter regarding the notification requirements under the Dioxin Rule.

Monsanto hereby requests that enforcement discretion be used in this matter. The primary reason for enforcement discretion at this time is simply that the J. F. Queeny Plant is not currently storing any dioxin wastes. Consequently, there is no reason to warrant any enforcement activity.

As we discussed in August, certain dioxin wastes were generated and stored at the Queeny Plant earlier this year. However, this waste was incinerated prior to the July 15, 1985 deadline. Some additional dioxin waste will be generated and stored during the spring of 1986. We are requesting EPA to use enforcement discretion in this matter at that time.

Your October 10, 1985 letter lists three specific issues to be addressed in our request for enforcement discretion.

1. Reasons For Not Filing a Timely Part A

As you are aware, the notice which indicated our intention to store dioxin-containing wastes at the Queeny Plant was made prior to the April 15, 1985 deadline. A simple oversight of the requirement to modify our Part A application resulted in our not submitting the revision until August 22, 1985. As soon as the oversight was realized, Monsanto contacted you and explained the situation. Your instructions were followed as the revised Part A was then submitted along with a request for enforcement discretion.



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USEPA, RCRA Branch

October 22, 1985

2. Reasons Why It Is In The Public Interest For EPA To Grant Enforcement Discretion.

As already mentioned, no dioxin wastes are currently being stored; therefore, no enforcement activity is necessary. However, some dioxin wastes will be generated and stored during the spring of 1986. Since an incinerator, permitted to burn the waste, will not be available in all likelihood, long term storage of the waste will be necessary. Given this situation, the wastes will have to be stored until a permitted facility could take the waste for incineration.

The dioxin waste resulted from clean-up activities that were approved by EPA-Washington, Office of Solid Waste and Emergency Response (see attached). Our original plans called for the clean-up to be completed by the spring of 1985; however, scheduling problems resulted in our delaying this until next year. Phase 2 of the clean-up project will result in more waste and a need to store it. Given this situation, enforcement discretion on the part of the EPA is justified.

3. How Queeny Complies With Interim Status Requirements For These Wastes

The wastes generated during the cleanup consisted of dirt, gravel, residues and associated debris along with contaminated gear. The material was placed in 30 gallon fiber drums and sealed; the fiber drums were then placed in 55 gallon steel drums. The steel drums were then placed on pallets and stored in an enclosed warehouse, protected from the weather. The warehouse was not used for any other purpose and entry was prohibited except for authorized personnel. The drums were stored in this warehouse until shipped off-site for incineration.

The storage system worked well and we plan to use a similar program for the wastes that will be generated next year. However, the additional requirements stated in the Dioxin Rule will be addressed along with the quarterly reporting requirements mentioned in your letter. Additionally, the routine inspections and management requirements specified in Section 265 of RCRA will be performed.

Given the good faith efforts demonstrated with our actions to date, we feel that enforcement discretion on this issue should be employed. We feel that cleanup of the remaining building and the subsequent waste generation to be in the best interest of the public. Consequently, we are asking for enforcement discretion in this matter.

Should you have any questions, please feel free to contact me.

Sincerely,



Kenneth M. Perica
Environmental Protection Supervisor

KMP/ad

Enclosure